

FORM PTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
(REV. 11-2000)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

112701-434

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

**10/505305**INTERNATIONAL APPLICATION NO.  
**PCT/EP03/01685**INTERNATIONAL FILING DATE  
**18 February 2003**PRIORITY DATE CLAIMED  
**21 February 2002**

TITLE OF INVENTION

**ORALLY ADMINISTRABLE COMPOSITION FOR THE PHOTOPROTECTION OF THE SKIN**

APPLICANT(S) FOR DO/EO/US

**Breton et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 352 434 014 US**
23. ☒ Other items or information:

**Return Receipt Postcard**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) <div style="font-size: 1.5em; font-weight: bold;">10/505305</div>	INTERNATIONAL APPLICATION NO. <div style="font-weight: bold;">PCT/EP03/01685</div>	ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold;">112701-434</div>
---	---	--

24. The following fees are submitted:				CALCULATIONS PTO USE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</b>					
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <span style="float: right;">\$1080.00</span>					
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <span style="float: right;">\$920.00</span>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <span style="float: right;">\$770.00</span>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <span style="float: right;">\$730.00</span>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <span style="float: right;">\$100.00</span>					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$920.00</div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than _____ months from the earliest claimed priority date (37 CFR 1.492 (e)). <div style="float: right;"> <input type="checkbox"/> 20    <input type="checkbox"/> 30         </div>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$0.00</div>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	30 - 20 =	9	x \$18.00	<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$162.00</div>	
Independent claims	3 - 3 =	0	x \$86.00	<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$0.00</div>	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$0.00</div>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$1,082.00</div>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$0.00</div>	
<b>SUBTOTAL =</b>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$1,082.00</div>	
Processing fee of \$130.00 for furnishing the English translation later than _____ months from the earliest claimed priority date (37 CFR 1.492 (f)). <div style="float: right;"> <input type="checkbox"/> 20    <input type="checkbox"/> 30         </div>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$0.00</div>	
<b>TOTAL NATIONAL FEE =</b>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$1,082.00</div>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <div style="float: right;"> <input type="checkbox"/> </div>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$0.00</div>	
<b>TOTAL FEES ENCLOSED =</b>				<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">\$1,082.00</div>	
				Amount to be:	\$
				refunded	
				charged	\$

- a. ☒ A check in the amount of \$1,082.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1818
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett (30,142)  
 ATTORNEYS FOR APPLICANTS  
 Bell, Boyd & Lloyd LLC  
 P.O. Box 1135  
 Chicago, Illinois 60690-1135

SIGNATURE

Robert M. Barrett

NAME

30,142

REGISTRATION NUMBER

August 20, 2004

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Breton et al.  
Appl. No.: PCT/EP03/01685  
Filed: 18 February 2003  
Title: ORALLY ADMINISTRABLE COMPOSITION FOR THE PHOTOPROTECTION OF THE SKIN  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112701-434

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (2 pages) (duplicate);
2. Copy of International Application As Filed (21 pages);
3. Copy of International Preliminary Examination Report (2 pages);
4. Copy of International Search Report (7 pages);
5. Unexecuted Declaration and Power of Attorney (3 pages);
6. Preliminary Amendment (25 pages);
7. Information Disclosure Statement (2 pages); PTO-1449 (1 page); Cited References (5 Documents);
8. Check in the Amount of \$1,082.00; and
9. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on August 20, 2004

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Karin Barrett

Name of Person Mailing Correspondence

  
Signature

EV 352 434 014 US

Express Mail Mailing Label Number